



Rep. Constance A. Howard

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09600HB0765ham001

LRB096 08589 RLC 24687 a

1 AMENDMENT TO HOUSE BILL 765

2 AMENDMENT NO. _____. Amend House Bill 765 by replacing
3 line 23 on page 1 and lines 1 through 9 on page 2 with the
4 following:

5 "(a-5) An employer that fails to comply with this Section
6 may be charged with a civil rights violation under the Illinois
7 Human Rights Act."; and

8 on page 2, by inserting immediately below line 19 the
9 following:

10 "Section 10. The Illinois Human Rights Act is amended by
11 changing Section 2-103 as follows:

12 (775 ILCS 5/2-103) (from Ch. 68, par. 2-103)

13 Sec. 2-103. Arrest Record.

14 (A) Unless otherwise authorized by law, it is a civil
15 rights violation for any employer, employment agency or labor

1 organization to inquire into or to use the fact of an arrest or
2 criminal history record information ordered expunged, sealed
3 or impounded or the record of an arrest or criminal charge
4 which did not result in a conviction under Section 5 of the
5 Criminal Identification Act as a basis to refuse to hire, to
6 segregate, or to act with respect to recruitment, hiring,
7 promotion, renewal of employment, selection for training or
8 apprenticeship, discharge, discipline, tenure or terms,
9 privileges or conditions of employment. This Section does not
10 prohibit a State agency, unit of local government or school
11 district, or private organization from requesting or utilizing
12 sealed felony conviction information obtained from the
13 Department of State Police under the provisions of Section 3 of
14 the Criminal Identification Act or under other State or federal
15 laws or regulations that require criminal background checks in
16 evaluating the qualifications and character of an employee or a
17 prospective employee.

18 (B) The prohibition against the use of the fact of an
19 arrest contained in this Section shall not be construed to
20 prohibit an employer, employment agency, or labor organization
21 from obtaining or using other information which indicates that
22 a person actually engaged in the conduct for which he or she
23 was arrested.

24 (Source: P.A. 93-1084, eff. 6-1-05.)".